IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1761/2007

(Parmeshwar Lal Sharma Vs. State of Rajasthan)

Date of Order : 07/12/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Vishal Sharma for the petitioner.

Mr. Ashok Upadhyay, P.P.

BY THE COURT:-

Notice for final disposal is accepted by learned public prosecutor. With the consent of learned counsel for the parties, the matter is finally heard and decided at the admission stage.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 24.10.2007 passed by Additional Chief Judicial Magistrate, Merta (for short 'the trial court' hereinafter) forfeiting the Supardginama and personal bond filed by the petitioner at the

time of taking the vehicle bearing No. R.J.07 G-7746 on Supardginama.

I have heard learned counsel for the parties. Carefully gone through the order impugned.

It appears that the petitioner is owner of the truck in question and during investigation of the road accident case, a notice under Section 133 of the Motor Vehicles act, 1988 was served on the petitioner and therefore, the petitioner is witness in the criminal case. The petitioner failed to appear before the trial court as witness and therefore, the trial court cancelled the Supardginama and personal bonds filed by the petitioner while getting the vehicle released in his favour in order to secure the presence of the petitioner as a witness.

Learned counsel for the petitioner submits that the next date fixed by the trial court for recording the evidence of prosecution witnesses is 23.1.2008 and the petitioner is prepared to appear and make a statement before the trial court on the next date.

In this view of the matter, in view of the statement of the counsel for the petitioner, the criminal misc. petition is

allowed and the order impugned dated 24.10.2007 passed by the trial court is set aside and the petitioner is directed to appear before the trial court on 23.1.2008 the date fixed by the trial court and make a statement. If the petitioner fails to appear before the trial court on the next date fixed i.e. 23.1.2008 and make a statement, the order impugned shall automatically revive.

(H.R.PANWAR),J.

rp

S.B.Cr. Misc. Stay Petition No. 1372/2007

In

S.B. Cr. Misc. Petition No. 1761/07

Date of order : 07.12.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Vishal Sharma for the petitioner.

Mr. Ashok Upadhyay, P.P.

Since the criminal misc. petition itself has been allowed, the stay petition also stands disposed of.

(H.R.PANWAR), J.

rp